

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MORTON GROVE PHARMACEUTICALS, INC.)	
)	
)	
Plaintiff,)	
)	No: 08-CV-1384
v.)	
)	
THE NATIONAL PEDICULOSIS ASSOCIATION, INC.)	Judge Bucklo
)	Magistrate Judge Mason
)	
Defendants.)	
)	
)	

**NON-PARTY DR. AMY PALLER’S
CROSS-MOTION TO QUASH OR MODIFY THE SUBPOENA ISSUED TO HER**

Non-party Dr. Amy Paller, by her attorneys, and pursuant to Federal Rule of Civil Procedure 45, hereby requests that this Court quash or, in the alternative, modify the subpoena issued to her by the National Pediculosis Association, Inc. (“NPA”), about which the NPA has filed a motion to compel. In support of her motion, Dr. Paller states as follows:

1. The subpoena issued to Dr. Paller seeks to depose her and to obtain copies of her documents. Dr. Paller served timely objections.
2. The subpoena is overly broad and unduly burdensome on its face, and the NPA has refused to narrow its scope or reduce its burden in any manner. “[T]he issuing court must quash or modify a subpoena that . . . subjects a person to undue burden.” Fed. R. Civ. Proc. 45(c)(3)(A)(iv).
3. The subpoena seeks Dr. Paller’s expert opinion, even though she has not been retained by either party to this litigation. The issuing court may quash or modify a subpoena if it “requires . . . disclosing an unretained expert’s opinion or information that does not describe

specific occurrences in dispute and results from the expert's study that was not requested by a party." Fed. R. Civ. P. 45(c)(3)(B)(ii). The NPA has refused to compensate Dr. Paller for her time.

4. The grounds for this motion are fully set forth in Dr. Paller's response to the NPA's motion to compel and are incorporated by reference herein.

WHEREFORE, non-party Dr. Amy Paller respectfully requests that this Court quash or, in the alternative, modify the subpoena issued to her.

Dated: August 14, 2008

Respectfully Submitted,

MORTON GROVE PHARMACEUTICALS, INC.

By: /s/ William C. O'Neil
One of Her Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August 2008, I caused a copy of **Non-Party Dr. Amy Paller's Cross-Motion to Quash or Modify the Subpoena Issued to Her** to be served on counsel of record via ECF electronic filing:

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